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Applicant: Picano et al.
Appl. No.: 10/572,751
Filing Date: September 11, 2004
Title: SKIN AND HAIR CARE PREPARATION CONTAINING A COMBINATION OF
PROTEIN HYDROLYZATES
Attorney Docket No.: P29493
Pub. No.: US 2007/0041925-A1
Pub. Date: February 22, 2007

This is a decision on the request for a corrected patent application publication under
37 CFR 1.221(b), received on March 9, 2007, for the above-identified application.

The request is DISMISSED.

Applicants request that the application be republished because the front page of the patent
application publication contains an error, as the Assignee should be changed from "Beiersdorf
AG, Hamburg (DE)" to "Juvena (International) AG, of Volketswil/Zuerich, Switzerland".

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent
from Office records. Any request for a corrected or revised patent application publication other
than as provided in paragraph (a) of this section must be filed within two months from the date of
the patent application publication. This period is not extendable." A material mistake must
affect the public's ability to appreciate the technical disclosure of the patent application
publication, to determine the scope of the patent application publication, or to determine the
scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The instant request does not identify a material mistake in the publication made by the Office
under 37 CFR 1.221(b) with respect to the assignment information. The error does not affect the
public's ability to appreciate the technical disclosure of the patent application publication, to
determine the scope of the patent application publication, or to determine the scope of the
provisional rights that an applicant may seek to enforce upon issuance of a patent.

Applicants should not file requests for corrected publication when a publication includes errors
in assignment information or missing assignment information. See MPEP 1130.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000),
1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

On November 22, 2006, a Filing Receipt was mailed by the Office, which improperly listed the assignment information. To avoid this type of problem in the future, applicants' representative should review the Filing Receipt and make a request for a Corrected Filing Receipt.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
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By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read "Mark Polutta", with a long horizontal flourish extending to the right.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy